

Classification: Official

Publication reference: PRN00547

- To:
- Trust and ICB
 - Chief Executives
 - COOs
 - Medical Directors
 - Directors of Nursing
 - EPRR Leads

NHS England
Wellington House
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13 June 2023

- cc.
- Regional
 - EPRR teams
 - Directors
 - Medical Directors
 - Nursing leads

Dear Colleagues,

Staff recall during industrial action

You will be aware that the British Medical Association (BMA) has notified NHS England that, following a ballot, junior doctors will be taking strike action between 07.00 on Wednesday 14 June and 07.00 on Saturday 17 June 2023.

NHS England and the BMA both wish to ensure that, while junior doctors are taking lawful industrial action, patients remain safe. Since this action was announced on 22 May, NHS organisations have been planning for effective service delivery during the action.

Both parties acknowledge that, despite the comprehensive contingency plans being put in place, unpredictable events, major incidents, and unexpected and extreme circumstances where mitigations in place fail may require a request for junior doctors to return to work for a limited period to maintain safe patient care. This letter updates our previous joint letter setting our arrangements recalling staff dated 6 April.

We are therefore writing to set out the arrangements for asking a group of junior doctors to return to work during this week's period of industrial action in the event of the above occurring. This measure is not in place to avoid disruption caused by strike action; however, it is to ensure that in unexpected and extreme circumstances patients will continue to receive safe care. This measure is designed to be responsive to patient safety concerns arising during strike action rather than pre-empting impacts of strike

action. Therefore requests for derogations should not be submitted until strike action has commenced and the risk to safety is present.

To enable this local response, the BMA and NHS England have agreed an approach by which the medical director or nominated executive director of the relevant trust or trusts will contact the NHS England incident team. They will pass details of the situation to the BMA who will then need to agree that the incident can only be mitigated by requesting junior doctors to return to work. The NHS England national team will then consult with BMA on whether a derogation is appropriate.

Once the BMA has approved a derogation, a local trust may contact junior doctors and seek their return to work. The BMA will also post to its twitter account that the derogation has been agreed so that it is easy for members to verify it.

Junior doctors on strike need not return to work unless the need for derogations is confirmed by the BMA. That being said: NHS England and the BMA recognise it may be necessary, as an exception, for a trust to contact junior doctors in the event of a mass casualty event, explaining the situation and seeking their return to work, while simultaneously escalating the situation as described above.

We have agreed to send this letter jointly to NHS trusts to ensure that we all share an understanding of the agreed arrangements and are best placed to respond effectively should this be necessary.

Yours sincerely,



Professor Philip Banfield
Council Chair
British Medical Association



Professor Sir Stephen Powis
National Medical Director
NHS England